

REMARKS

Claims 1-4, 6, 8-17, and 19-24 are pending in the application and stand rejected. Claims 1 and 21 have been amended. No new matter has been introduced. Claims 3, 4, 6, 8, 9, 11, and 15 have been canceled without prejudice to applicant's right to pursue the canceled subject matter in a continuation application. Reconsideration and allowance of Claims 1, 2, 10, 12-14, 16, 17, and 19-24 is respectfully requested.

The Rejection of Claims 1, 3-4, 6, 8, 10, 12, 15, and 19-21 Under 35 U.S.C. §103(a) as Being Obvious over Lishanski et al., in View of Lau et al., as Evidenced by Lau Supplemental Information

Claims 1, 3-4, 6, 8, 10, 12, 15, and 19-21 stand rejected under 35 U.S.C. §103(a) as being obvious over Lishanski et al., in view of Lau et al., as evidenced by Lau Supplemental Information. Applicant respectfully traverses this ground of rejection for the following reasons.

While not acquiescing to the Examiner's position, but solely in order to facilitate prosecution, independent Claims 1 and 21 have been amended to recite the limitation "wherein the method comprises the use of at least one extension primer or reverse primer selected from the group consisting of SEQ ID NO:2-499." Support for this amendment is found throughout the specification as filed; for example, at page 11, lines 23-27; page 12, lines 6-12; and TABLES 1, 2, 6, and 7. Claims 3, 4, 6, 8, and 15 have been canceled.

The cited references do not teach or suggest the claimed invention, as amended. As acknowledged by the Examiner during prosecution of co-pending continuation-in-part-application (U.S. Application No. 11/779,759, which claims priority to the instant application), the claims reciting the primer sequences are not disclosed by Lishanski. See page 16 of the

non-final Office Action mailed January 27, 2011 in connection with U.S. Application No. 11/779,759.

It is further noted that Lau et al. does not teach or suggest the claimed invention, as amended. Lau et al. does not disclose the extension primer or reverse primer sequences as recited in Claims 1 and 21, as amended.

In view of the foregoing, it is demonstrated that a *prima facie* case of obviousness has not been established because Lishanski and Lau, taken together or separately, fail to teach every limitation of Claims 1 and 21, as amended. Claims 10 and 12 depend from Claim 1. Therefore, removal of this ground of rejection is respectfully requested.

The Rejection of Claims 2, 13-14, 16-17, and 22 Under 35 U.S.C. § 103(a) as Being Unpatentable over Lishanski et al., in View of Lau et al., as Evidenced by Lau Supplemental Information, and Further in View of Braasch et al.

Claims 2, 13-14, 16-17, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lishanski et al., in view of Lau et al., as evidenced by Lau Supplemental Information, and further in view of Braasch et al. Applicant respectfully traverses this ground of rejection for at least the following reasons.

Claims 2, 13-14, and 16-17 depend from Claim 1. Claim 22 depends from Claim 21. Claims 1 and 21, as amended, are believed to be patentable over the cited references of Lishanski et al., Lau. for the reasons described *supra*. For example, Lishanski and Lau, taken together or separately, fail to teach the extension primer or reverse primer sequences recited in Claims 1 and 21, as amended.

The teachings of Braash fail to cure the deficiencies of Lishanski et al. and Lau. As acknowledged by the Examiner, the claims reciting the primer sequences are not disclosed by

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.652.3100

Braasch. See page 16 of the non-final Office Action mailed January 27, 2011 in connection with U.S. Application No. 11/779,759.

Accordingly, removal of this ground of rejection is respectfully requested.

The Rejection of Claims 9 and 11 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Lishanski in View of Lau et al., as Evidenced by Lau Supplemental Information, and Further in View of Crollijs et al. and Buck et al.

Claims 9 and 11 have been canceled, thus rendering this ground of rejection moot.

The Rejection of Claims 23-24 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Lishanski in View of Lau et al., as Evidenced by Lau Supplemental Information, and Further in View of Spivack et al.

Claims 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lishanski in view of Lau et al., as evidenced by Lau Supplemental Information, and further in view of Spivack et al. Applicants respectfully traverse this ground of rejection for at least the following reasons.

Claims 23 and 24 depend from Claim 21, which has been amended as described *supra*. Claim 21 is believed to be patentable over Lishanski and Lau for at least the reasons described *supra*. The teachings of Spivack do not cure the deficiencies of Lishanski and Lau in this regard. The Examiner cites Spivack as teaching a method of measuring the amount of amplified DNA using fluorescence-based quantitative PCR. Spivack does not teach or suggest the use of the extension primer or reverse primer sequences recited in Claims 1 and 21, as amended.

Accordingly, removal of this ground of rejection is respectfully requested.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2300
Seattle, Washington 98101
206.682.8100

Conclusion

In view of the foregoing amendments and remarks, it is submitted that all the pending claims are in condition for allowance. Reconsideration and favorable action are requested. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicant's attorney at 206.695.1655.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Tineka J. Quinton
Registration No. 53,496
Direct Dial No. 206.695.1655

TJQ:jl

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100